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# Congress of the United States

House of Representatives  
Washington, DC 20515-2107

April 27, 2004

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The Honorable George W. Bush  
President  
The White House  
1600 Pennsylvania Ave  
Washington, DC 20500

Dear Mr. President:

Last Friday during your remarks at the Rookery Bay National Estuarine Research Reserve, you highlighted your administration's actions to "preserve" the Florida Panther National Wildlife Refuge, the Ten Thousand Islands National Wildlife Refuge, and the Big Cypress National Preserve by buying back private oil and gas development rights. I applaud your recognition that oil and gas development is incompatible with the mission of the National Wildlife Refuge system – our only national lands designated solely for the protection of fish and wildlife – and that elimination of threats from oil and gas development is necessary to protect them.

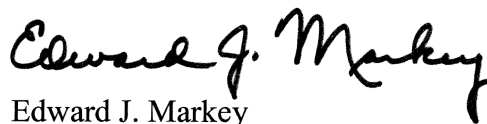
As you may know, over the past three years the General Accounting Office (GAO) has investigated the extent of oil and gas activities on National Wildlife Refuges at my request. Their August 2003 report, National Wildlife Refuges: Opportunities to Improve the Management and Oversight of Oil and Gas activities on Federal Lands, is the most comprehensive study of oil and gas activities in the National Wildlife Refuge System ever done. The GAO documented the tragic legacy of these activities – oil spills, abandoned infrastructure, soil and water contamination, and loss of wildlife and wildlife habitat. According to the GAO, there are 4,406 wells on 105 refuges. The majority of the wells on refuges are no longer active, but they can still pose a threat to wildlife, wildlife habitat, and the proper management of wildlife refuges. The 1,806 active wells in the refuge system are located on just 35 (out of 575) refuges, indicating that oil and gas development is far from a routine activity. In fact, the vast majority of development occurs because of privately-owned, grandfathered mineral rights, just like those that your administration purchased to preserve the three Florida refuges and that you highlighted last Friday.

Since you now recognize the value of restoring the public purpose of Florida's refuges by extinguishing privately owned mineral rights through buyouts, the rest of the country would be interested in knowing whether this policy will be applied consistently in the rest of the United States. According, I would appreciate your addressing the following questions at your earliest convenience:

1. Is this a policy your administration is pursuing at other refuges? Is so, which ones? If not, why not?
2. What criteria was used when determining that the federal government should purchase the privately held mineral rights within the Big Cypress National Preserve, the Florida Panther National Wildlife Refuge and the Ten Thousand Islands National Wildlife Refuge?
3. Can citizens nominate refuges where buyouts of private mineral should also be considered? Can the mineral right owners approach the government with offers to sell their rights?
4. What guidance has been given to wildlife refuge managers wishing to use mineral rights buyout as a management tool on their refuges?
5. What did the federal government pay for the mineral rights under the three Florida refuges? Was there an appraisal of the mineral rights? If not, why not? If so, what was the appraisal value of the mineral rights? Please list the owners of the mineral rights, indicating which refuge they held rights in, and their amount of compensation.
6. Does the federal government now own all of the mineral rights associated with these three refuges? If not, what mineral rights are still privately owned? Are there plans to purchase these? When will these purchases occur?
7. Has there been previous exploration or drilling on these refuges? Are there still oil and gas facilities on the refuges? If there are facilities on the refuge, are they all associated with the private mineral rights that the federal government has purchased?
8. Where dismantlement, removal and reclamation requirements a part of the mineral rights purchase agreement? If not, why not? If so, what are the requirements? Will this result in the removal and reclamation of all facilities associated with the purchased mineral rights? If not, why not? Is there a plan to remove any and all remaining facilities associated with the purchased mineral rights? Will the federal government assume liability for any remaining facilities associated with the purchased mineral rights? If so, what is the potential liability to the taxpayer?

Thank you for your attention to this issue.

Sincerely,

A handwritten signature in black ink that reads "Edward J. Markey". The signature is fluid and cursive, with the first name "Edward" and last name "Markey" clearly legible.

Edward J. Markey  
Member of Congress